## NO MURDERER NEED DIE NOW IN THE CHAIR.

With a Lawyer to Appeal Again and Again to the United States Supreme Court All May Live to Die a Natural Death in Prison.

JUDGE LACOMBE'S DECISION

In Granting a Second Appeal to Jugigo, the Jap, He Says the Amended Statutes of 1885 Compel a Judge to Grant Appeal After Appeal Indefinitely.

KEMMLER MIGHT HAVE BEEN SAVED.

Lawyer Reger M. Sherman's Astounding Admission That He Knew It All the Tim", but Was Induced by "Powerful Judicial Influence" to Hold Off in That Case.

WHAT'S TO STOP WHOLESALE MURDER?

If an opinion delivered yesterday by Judge Lacombe, of the United States Circuit Court, be sound law, the astounding fact is established that, as the laws now stand, every murderer now under sentence of death in the electric chair and every one that may be sentenced to death in that manner hereafter can escape the death penalty altogether, provided only that a lawyer be employed who will persistently appeal the murderer's case over and over again to the Supreme Court of the United

In other words, there need never be another ex-ecution by electricity in the State of New York, so long, at least, as the laws of the State and of the United States remain unchanged.

The decision was made by Judge Lacombe in the case of Shibuya Jugigo, the Jap, whose case had aiready been once appealed unsuccessfully.

Think of it: What startling possibilities are

opened up by this juggle in the laws! What an awful menace it raises against society!

LEGALIZING MUBDER BY WHOLESALE. Murderers may now go right on shooting, stabbing, slashing, braining, burning or strangling the innocent victims of their malice, enmity or revenge and escape all punishment, save that of indefinite confinement at the expense of the

derer, before beginning his bloody work, shall provide for an indefatigable lawyer to look after his interests when once he has been tried and con-

So long as sections 763 and 764 of the Revised Statutes of the United States, as amended by Congress on March 3, 1885, remain unrepealed or furher amended, according to Judge Lacombe, there is absolutely nothing to prevent exactly the astounding condition of affairs described, and any Sheriff or other official who may put to death a condemned murderer will do so at his peril.

Lawyer Roger M. Sherman is the man who discovered and has brought to such perfection that Judge Lacombe has felt coerced to indorse it, this remarkable scheme for postponing indefinitely the execution of murderers in this State.

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habeas corpus in the murderer's case to some Judge of the United States Circuit Court on a technical point-indeed it can be done, under Judge Lacombe's view of the matter, on any point no matter how frivolous or absurd-and the writ having been denied, to appeal from the Judge's decision to the Supreme Court of the United States.

Of course, a citation for the Sheriff or other officer charged with the execution of the murderer, to appear before the United States Supreme Court is obtained—the Circuit Judge cannot refuse it-

to appear before the United States Supreme Court is obtained—the Circuit Judge cannot refuse it—and this means a stay of execution until after the hearing of the appeal.

Up goes the case to the Supreme Court and the appeal is promptly denied.

But that's all right. It doesn't discourage the lawyer of the murderer, who meantime has been living a very comfortable, not to may luxurious, life in prison at the expense of the State. It was what they both expected.

The lawyer simply goes through the process again, applies for a new writ of habeas corpus on some trivial point, is refused, and once more obtains an appeal to the United States Supreme Court. And so, over and over again, continuing the simple but effective process during the whole period of the condemned man's natural life if necessary. Lawyer Sherman considers it one of the most beautiful legal dodges ever thought of.

MIGHT HAVE MAVED KEMMARER.

Incidentally, the remarkable fact was admitted by Lawyer Sherman that murderer Kemmler, who died so horribly as the first "experiment" in the electric chair, might have been saved by the operation of this unique process, and that he—Lawyer Sherman—knew it all the time.

Still this lawyer, so ingenious in working up a legal dodge by which to thwart the ends of justice, allowed poor Kemmler to take his seat decirely in the fatal chair and the slowly roasted to death. His explanation of this almost incredible course is even more remarkable,

His explanation of this almost incredible course is even more remarkable.

Lawyer Sherman himself, speaking of the case to me yesterday, said that his action resulted from the fact that "the most powerful influence of certain judges had been brought to bear upon him not to make further appeals in that case."

Beyond this singular declaration, hinting darkly at some mysterious pressure exerted from the Bench to induce him to let a client go to his death when that event might have been postponed indefinitely, Lawyer Sherman would not go. To use his own words, however, he added that "that matter was disgraceful," and he implied that some day all the facts would be made public.

The petition of Jugigo for a writ of habeas corpus, which was presented to Judge Lacombe in chambers by Lawyer Sherman on Tuesday and denied, was filed yesterday in the United States Circuit Court.

Points in the pattition.

The petition recites that final judgment in Jurigo's former appeal has not yet been entered and that no mandate has been issued out of the Supreme Court upon which final judgment could be entered. It is therefore claimed that Jugigo's resentence in the Court of Oyer and Terminer is

resentance in the Court of Dyer and Arraminer is void.

The second point is that by the constitution and laws of the State of New York Jugigo was, upon the trial of his indictment in the Court of Oyer and Terminer, entitled to counsel. The Court, it is alleged, assigned counsel who directed and controlled the defence, when he was not admitted or qualified to practise as an attorney or counsellor at law in the courts of this State.

The prisoner was ignorant of this, and thereby he was deprived of due process of law for his defence.

The indictment, it is alleged, stated that the wound inflicted upon Mura Commi by Jugigo was in the breast.

in the breast.

The iscue tried was whether Jugigo had wounded Commi in self-defence or without provocation, by stabbing him from behind. The proof was that the wound was not in the breast, but in the nock

Having no notice by the indictment that Jugigo would be called upon to explain a wound from behind, the proof, Lawyer Sherman says, was a substantial variance from the indictment, which would have constituted a valid objection to the admission of evidence, the reception of a verdict, and an arrest of Juggmont, had his rights been duly asserted by lawful counsel.

It is further claimed that the trial and conviction of Juggo are void, because the indictment was found by a Grand Jury, from the panel of which all persons of the Japanese race were excluded,

though many of them are naturalized citizens of this country.

this country.

Judge Lacombe allowed the appeal which Mr. Sherman asked for yesterday, and in doing so gave the following reasons:—

"The prayer of the petitioner for a writ of habeas corpus to inquire into the cause of his detention at Sing Sing Prison, in this district, under a conviction in a State court, in violation, as he alleges, of the constitution and statutes of the United States, having been depiced and order thereon duly entered ne now appeals therefrom to the Supreme Court

"Such au appeal, under sections 763 and 764 of the United States Revised Statutes (as amended by the act of March 3,1885) is accorded to him as an absolute statutory right.

"The appeal and cliation when issued more than thirty days before the first day of the next term of the Supreme Court must be returnable on the first day of said term (Supreme Court rule 8, sub-divi-sion 50.

sion 5).

"The Judge of the Circuit Court who, by section 309 United States Revised Statutes, is required to sign such citation has no discretion to fix any earlier day.

"This is the accond application to this Court for a writ of habeas corpus by this potitioner under this same conviction, and two of the grounds upon which he bases his present application—viz.—The alleged fact that persons of his race and color were excluded because of his race and color from the jury list and panel, and the alleged fact that proper counsel were not assigned to him by the Court—existed when he made his former application.

"Whether this is the second or the twenty-second application, however, is immaterial.

"Under the statutes, as they stand, it seems to be left for the petitioner alone to determine not not only how many times he will apply for the writ and whother he will appeal from its donlat, but also how often he will by such appeal invoke the operation of section 766, United States Revised Statutes, which provide that until final judgment thereon any proceeding against his person under State authority shall be null and void.

"What the precise effect of the peculiar phraseology of the last cited section may be—whether pending such appeal it operates as a stay or merely as a warning that whoever under State authority may take any proceeding against the person of the petitioner does so at his peril—is not now before this Court for decision.

"The only matters now presented on the appeal are its formal allowance and the fixing of the return day, as to both of which this Court has no discretion."

turn day, as to both of which this Court has no discretion."

Lawyer Jacob Berlinger was originally assigned to defend Jugigo and he called in to assist him Lawyer John R. Heinzeiman. Berlinger's name appears on the record of the General Term of the Supreme Court as being admitted to practice in that Court.

John R. Heinzelman's name, it is said, does not appear on that record.

The allegation made by Mr. Sherman that counsel for Jugigo at the trial was not qualified to act is regarded as a serious one, if true.

Mr. Sherman refused to give his reasons yester day for making the allegation more than the record showed, but said he could prove all he asserted. He would not say which of Jugigo's lawyers he refured to.

Mr. Heinzelman said that he had practised law since 1861 and was regularly admitted to the Bar in the Supreme Court. He refused to give any other particulars or to tell in what part of the State he had been admitted.

Mr. Heinzelman defended murderers Smiler.

the Supreme Court. He refused to give any other particulars or to tell in what part of the State he had been admitted.

Mr. Heinzelman defended murderers Smiler, Stocum and Loppy, and if it should be proved that lie was not admitted to the Bar it is thought that the convictions of these men and all other persons he has defended will fall through.

Lawyer Sherman said he had applications from evory murderer under sentence of death in this State to apply for writs of habeas corpus in their eases. He said he did not know why he should not practise law and make as many appeale as he saw fit. It was not his fault that there was something wrong with the United States statules.

What is to hinder all the murderers in the country getting their lawyers to make these applications for writs to the Supreme Court?

Nothing, Mr. Sherman says, if the lawyers are "regular."

NOBLES OF THE MYSTIC SHRINE.

ANNUAL PILGRIMAGE OF THE ORDER TO THE CHIEF BROOKLYN CASIS.

The caravan of Kismet Temple, Aucient Arabic Order of Nobles of the Mysti: Shrine, last evening made their annual pilgrimage to the casis of Brooklyn to pay tribute to Terpsichore and her kindred

They pitched their tent in the Academy of Music, and in the society of a host of friends proceeded to make merry. Jay Nova's orchestra furnished the dance music and Foh's Twenty-third Regiment Band played the promenade melodies.

Among those present were the following:

Among those present were the following:

Wayland Trask, Hustrious potentate: N. W. Josselyn,
hief raiban; John D. Acker, assistant rabban; John D. Acker, assistant rabban; John R. Kichnrosen, high priest and prophet; Edwin D. Washurne, oriental guide: Theodore Baidwin, treasurer,
ydney F. Walker, recentled the statement of the core mountal
incomnital muster; John McGoolaan, second coremonial
inaster; Marien Grimes, marshal; Charles Hoffman, Jr.,
Aprain of gaard; Godfrey Lincks, outer guard; Alonzes
rymer, director; James E. Comor and James Macbeth,
lehemists; U. T. Fackenthall, H. D. S. M. N.; Charles G.
enneut, captain of Arab patrol, and Rafael Navarro,
ussical director.

In the boxes I noticed the following:-

Hamilton; Mr. and Mrs. L. F. Braine, Mr. C. E. Braine, Mr. B. G. Braine, E. M. L. Ehlers, Grand Secretary of Grand Lodge of New York; General and Mrs. J. H. Warwick, J. S. Toney, O'ionital Temple, Troy, N. Y.; L. W. Campbell, Chicago, Medimen Temple, Seward L. Gaul, Grand Commandery, New York; Arthur McArthur, Grand Commandery, New York; S. A. Shoppard, El Jobel Temple, Denver; John H. Bonnington, Grand Commandery, New York; S. A. Shoppard, El Jobel Temple, Denver; John H. Bonnington, Grand Commandery, New York; S. A. Shoppard, Henry Stowell, Potentate Oriental Temple, Troy, N. Y.; Gaorgo, Nicolson, Grand Commandery, New York; Charles E. Meyer, Jsand Recording of Grand Commandery, New York; Charles D. Furnesa, Mr. and Mrs. Thomas Adams, Charles D. Furnesa, Mr. and Mrs. Thomas Adams, Abort M. B. Parnesa, Mr. and Mrs. Thomas Adams, Abort M. B. Parnesa, Mr. and Mrs. Thomas Adams, Abort M. B. Parnesa, Mr. and Mrs. Thomas Adams, Abort M. B. Parnesa, Mr. and Mrs. Honry Ashor, Mr. and Mrs. Ashor, Mr. and Mrs. Ashor, Mr. and Mrs. Mr. George B. Curnell, Mr. George B. Claffin, Br. George D. Barnov, Mr. and Mrs. John Lourithours, Charles D. P. C. M. Bellows and Mr. and Mrs. John A. Bunnett.

The festivities were continued to a late hour, and were of the usually enjoyable character of the Mystic Shrine entertaluments.

FOR SLANDERING A WOMAN.

In the Queens County Circuit Court, before In the Queens County Circuit Court, before Judge Dykman yesterday, Mrs. Margaret M. Wendt, of this city, recovered a verdict for \$2,500 for siander against Patrick Craig, a well known saloon keeper and politician of this city.
Craig keeps a summer resort at Far Rockaway Beach. He rented a portion of the building to Mrs. Wondt, who is a widow, for a restaurant last summer, and in August they had a failing out. One day Craig denounced Mrs. Wendt and called her vile names. For this the widow sued to recover \$10,000 for injury to her reputation. The verdict was a great surprise to the defendant. Justice Dykman denied motions for a new trial.

NEWS NOTES FROM ROUNDABOUT.

Harrison. N. J.

John McBride, agad forty-two years, was found dead in his bed at his home in Paterson, N. J., resterday. He had been on a continuous spree since Christmas.

The Oxford Iron and Nail Company's works at Belveders, N. J., have shut down excepting the blast furnaces. The mainers have all been discharged. Many of the men have legit to seek amployment alsowhere.

Richard B. Fordick, the Hoboken Post Office clerk, who was arrested on Tuesday on a charge of robbing the mails, was committed by Recorder McDonough yesterday for examination before a United States Commissioner.

The hearing was begun yesterday in the Superior Court, at Rockville, Coun., of the Sh5,000 forectonure suit of Jordan, Marsh & Co., of Beston, against the Windmere Mill property, now in the hands of the Bortram Manufacturing Company, of New York.

The contest over the estate of Jane Dempsoy. of Hack-ensack, N.J., will come up for a hearing January 22. The amount involved is \$150,001. The preperty was be-questhed to a New lock lawyer, and suit is brought under a will twenty-avery years old, recently discovered.

An accident occurred on the New Jersey Central Rati-al, near Plainfield, yesterday noon that blocated the at bound tracks for several hours. Two gondols cars an east bound freight train were overloaded and olse down and before the train could be stopped the cle was torn up for a considerable distance. Trains reshipped to the west bound tracks for several hours til repairs were effected.

## KID GLOVE IMPORTERS CONVICTED OF CHEATING.

Board of General Appraisers to Have Been Undervalued.

MORE AND HIGHER DUTIES TO PAY | VICTORY FOR A TAXPAYER.

He Raised the Invoices, Fully Sustained on All Points.

The famous Passavant glove case has been decided at last. The Board of General Appraisers handed down their ultimatum yesterday. They fully sustain the advances in the invoices made by Examiner Leseur and repudiate the claims of Passavant & Co. and the action of Deputy Appraiser Denis Burke and Appraiser of the Port M. W.

Cooper.

The decision of the Board is final, and it is not only a great victory for Examiner Leseur, who had been suspended and recommended for removal by Appraiser Cooper, and a point scored by Special Agent Wilbur, but it is a signal defeat for Passavant & Co., the glove importers, who are convicted of undervaluations and who, besides paying about \$8,000 in additional duties on the twenty cases of gloves involved in the present case, will be required to pay higher duties on about \$150,000 worth of gloves contained in fifty consignments of gloves, which they now have in bonded stores waiting the result of this decision.

THE DECISION The present decision was an appeal to the General Board of Appraisers by the importers from the de-cision of General Appraiser Jewell. The Board of Appeals of the General Board consists of Messrs. Tichenor, Summerville and Sharpe, and they are the court of last resort. Mesers. Tichenor and Summerville—a majority of the Board—sustain the Leseur advances, and General Sharpo, the third member dissents.

The decision is of great interest to importers of kid gloves all over the country, as it establishes an important precedent. It will have an important political bearing as well and may result in sudden decapitations among certain high officials at the

Solicitor Hepburn, of the Treasury Department, and Special Treasury Agents Chance and Whitehead have come from Washington for the special purpose of investigating the alleged long contin-ued undervaluation of kid gloves, which have naturally given one big house, it is said, a virtual monopoly in the importations of certain grades of gloves.

gloves.

INTERESTING QUESTIONS.

The commission will try to find out, among other things, what explanation Appraiser Cooper can give for the suspension of Examiner Lescur, an old and experienced government expert in kid gloves, after he had raised the value of the Passavent importations, and the transfer to his place of Examiner McPherson, who knows all about underwear, but who doesn't even pretend to be as well posted as Mr. Lescur in kid gloves.

Further developments as to the result of the commission's inquiries regarding the conduct of teneral Burke and the Appraiser in reversing Examiner Lescur's action will be awaited with interest.

terest.

Meantime such importing houses as Mills & Gibb,
E. S. Jaffray & Co., Benjamin & Co., Marshall, Field
& Co., the American Glove Manufacturers' Associa-tion and other importers who gave evidence against
Passavant & Co.'s valuations are hugely pleased by
the decidence.

Passavant's Co.'s valuations are hugely pleased by the decision.

History of the Fight.

As the Hemald has already told, the long and bitter fight over the Passavant importations of Trefonsse kid gloves began in September, when Examiner Leseur advanced the firm's invoices as high as wenty five per cent, which made a difference of about \$3,000 in duties.

Assistant Appraiser Burke, a politican recently appointed, who is not a glove expert, refused to allow the advance, after considering the matter for two weeks, and Appraiser Cooper sustained General Burke. No advance was made, therefore. The Special Agent's office got wind of the matter and demanded a reappraisement, but in the meantime the gloves had gone into consumption. A similar importation, however, by another house, Devillet's Co., had been advanced on reappraisementand the advance sustained.

In November Passavant's Co. entered thirty more cases of the same Trefousee gloves. Leseur advanced some of these entries, as before. Burke and Cooper overfuied him, as before, and Appraiser Cooper ansponded Leseur and asked his removal. But this time Special Agent Wilbur was in time to have a reappraisement by General Appraiser Jewell. This was held, and, as stated above, sustained Leseur. Then came the appeal to the full Board, with the result of sustaining him again.

WORTHY TO BE CHOSEN.

Nover print a paid advertisement as news matter. Let every advertisement appear as an advertisement—and alling under faine celors—Charles A. Dran's Address to the Wisconsin Editorial Association, Milesukes, July 24, 1882. "I think," said George N. Crouse, of G. N. Crouse & Co., Syracuse, "that the selection of Mr. Dana for Senator would be much more creditable than any other spoken of."

GOOD SKATING IN BROOKLYN.

THE ICE IS CLEAR IN THE PARE AND THOU-SANDS VISIT THE LAKE.

The big lake in Prospect Park, Brooklyn, was crowded with skaters yesterday from noon until midnight. The ice was in perfect condition. It is five and a half inches thick and clear and free

five and a half inches thick and clear and free from snow. There was some snow in the early morning, but it was quickly brushed away by a corps of volunteer sweepers.

"I have been on this road for nearly twenty years," said the conductor of one of the park bound cars to me, "and I have never seen anything like the crowds of to-day. It looks as though the love of skating had revived in earnest. All the boys who own skates have got down to business to-day in dead carnest, and there are about as many girls as boys on the lake. And a great many old folks, too."

On the ice everything was animation and go. The young people predominated in point of numbers, but they had no monopoly of the sujoyment. Captain McNamars said there might be eight thousand people on the ice, "and possibly more," he added: "Auyway, this is the biggest crowd we have lead since I have been connected with the park. An orderly crowd it is, too, and bent on getting all the pleasure possible out of the occasion."

HOW A BURGLAR WAS RUN DOWN.

Mrs. Catherine Willows, living on the second floor of No. 219 Scholes street, Brooklyn, had an exciting adventure with a burglar in her room late BUTCHER ROSELAND SAYS HE WAS MURDER-

systema alventure with a dargan to the same person of the state of the

room she started after him and a large crowd joined in the chase.

That the burglar was a stranger in Brooklyn was evident, as he ran on a line for the Stagg street police station, on Bushwick avenue. He was arrested and at the station house gave his name as Fred Mayer, aged twenty-five, and said he lived in this city.

BROOKLYN BAR ASSOCIATION.

The Brooklyn Bar Association, which was recently ncorporated, has elected the following officers for

Ex-Judge George G. Reynolds, President: David Exrudge George G. Reynolds, Freeident; David Barnett, First Vice President; J. A. Burr, Jr., Second Vice President; D. W. Northup, Recording Secretary; J. D. Bell, Corresponding Secretary; S. C. Betts, Treasurer and Librarian; and these Trustees:—George G. Reynolds, William S. Coggswell, J. D. Bell, George H. Fisier, Henry C. Murphy, J. T. Marcau, S. C. Betts, Joseph A. Burr, Jr.; W. B. Davenport, William B. Hurd, Jr.; Charles H. Otis, D. W. Northup and D. Barnett.

FLAMES IN A RIBBON FACTORY.

A fire last evening in the block of buildings, No. 235 to No. 245 Lynch street, Brooklyn, owned by August Moll and used by him as a silk ribbon and August Moll and used by him as a silk ribbon and braiding factory, caused damage to the amount of \$50,000 to the stock and machinery.

The factory is four stories high and built of brick. It is 200 feet long by 45 feet deep. The only fire allowed in the place is that used for the engine that furnishes steam heat and power for the rooms. The fire broke out on the north side. There is a row of flat houses on the opposite side of the street, and there was considerable excitement among the inmates for some time. The stock and machinery of the factory were said to be valued at \$20,000.

## MAYOR CHAPIN HIT HARD BY THE SUPREME COURT.

Passavant & Co.'s Goods Decided by the | Justice Bartlett Continues the Injunction Against the Purchase of the Water Supply Plant.

Examiner Leseur, Who Was Suspended Because | There Is No Allegation of Frand, but the Case Must Come up for Trial on Its Merits.

> Mayor Chapin, of Brooklyn, received a hard blow yesterday in the decision of Justice Bartlett, of the Supreme Court, Kings county, making permaneut the injunction in the suit of William

The Mayor, Comptroller and City Auditor are now restrained, pending the trial of the case upon its merits, from consummating the purchase of the property of the Long Island Water Supply

Mayor Chapin, who had, in his answer to the complaint of Taxpayer William Ziegler, said he was a lawyer and familiar with the statutory pro-

the property of the Long Island Water Supply Company.

Justice Bartlett stated upon the termination of the argument on Thready has that he had practically made up his mind, and it was not surprising, therefore, that he gave his opinion yesterday in favor of continuing the injunction against the officials. The decision is regarded as severe on the complaint of Taxpayer William Ziegler, said he was a lawyer and familiar with the statutory provisions and constitutional law.

Among the members of the Bar, in political circles and in business groups, the adverse action of the Court was alluded to as most seriously compromising the political future of the Mayor, whose name has been conspicuously mentioned as strong in the Sentorial or Gubernatorial lats.

Regarding the opinion of Justice Bartlett upon the matter a shrewd lawyer said to me yesterday, "It is no over night opinion, either." The decision is as follows:—

On December 27, 1890, a preliminary injunction was panced in his antic by Jealiee Utilea rostraining the granted in his autic by Jealiee Utilea rostraining the four purchasing the property and franchise of the Long Island Water hupply Company or any of its stock or bonds, and from carrying out a coutract which they had made for the purchase lifered. The present application is a motion to continue that injunction in full furce and office and children and a short time ago presented with the case can be tried upon the matter as three work and the company him to the the wife and children and a short time ago presented with the case can be tried upon the matter as three work and the company him to the the pishting the population of the reports. She said:

The population of Justice Bartlett upon the matter as three and a continue that injunction in a motion to continue that injunction in injunction in a motion to continue that injunction in injunction i

ntended our chase at the price agreed upon will result to the advantage of the city.

Assuming such to be the fact, it in nowise affects the question whether the property could not have been ought, and should not have been bought for a sum very much lower than the amount significant to be paid.

I do not intend to determine this question on affidavits n advance of the trial, but the proper disposition of the motion to continue the injunction until the trial dependance of proof contained in the papers sefers me.

into upon the trial.

These views regader it unnecessary to pass upon the cursious questions of constitutional law which were discussed in the arguments of counsel. It is proper to add, associated with him on the Finance Committee was Lieumant Colonel L. D. Ayres. Although Colonel with the trumination of the period of two years, during which the city might have exercised the power of our sand doubt the central and determination of the action is granted, with costs to abide the event.

When I saw the Mayor in his office shortly after the decision had been announced and sought an interview with him he replied, "No.; I have nothing to say."

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Corporation Counsel Jenks, like his chief, was inclured, although be intimated that the city would be ready to proceed as soon as possible with the trial of the case.

Lawyer William J. Gaynor, counsel for Mr. Ziegler, who received the congratulation of many citizens upon his success, declined to discuss the marter until it comes up for trial, which, in the ordinary stage of proceeding will be in Special Term, before a judge, sixty days hence. He was galat to see, however, he and, that the dudge recogning the processing the processing the law.

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Lawyer William J. Gaynor, counsel for Mr. Ziegler, who received the congratulation of many citizens upon his success, declined to discuss the matter until it comes up for trial, which, in the ordinary stage of proceeding will be in Special Term, before a judge, sixty days hence. He was glad to see, however, he said, that the Judge recognized the fact that the city officials had no right to purchase at all, even under the law.

The legal advocate of the water supply company. Thomas E. Pearsali, said that they had nothing to concreal, and as they had complied with the iaw in every particular in their contract they courted the fullest publicity on the trial.

The ownership of the stock, which is hold by Mr. Staples, with the excoption of one hundred shares held by ex-Congressman Felix Campbell, led to much surmise and guesswork. Mr. Staples refused to talk about the matter. "You could count the stockholders on the fingers of one hand," remarked a prominent liswer to me, "There is nothing remarkable about Mr. Campbell's shares—he got them in the beginning of the issue—but I understand that the balance of the stock was all turned over in blank to Mr. Staples. The Mr. Blank's real names will no doubt materialize in due time."

No FRAUD CHARGED.

There are no allegations of fraud made sgainst any of the defending officials in the suit. Nevertheless the impression abroad as far as I could reach it was declidedly unfavorable to the defendants. It was regarded as "hard lines." If the programme for the political future has been frustrated in the loading down of the choice for Mayor in the person of Comptroller Jackson, who is an able lawyer, and a wealthy and respected citizen, and the handicapping of Mayor Chapin, for Governor or Senator, then the Ziegler water supply injunction suit will indeed f

SHOT AND ROBBED.

OUSLY ATTACKED IN HIS OWN STORE.

Henry Roseland, a butcher doing business at No. 381 Hudson avenue, Brooklyn, and living at No. 7 Bolivar street, around the corner from the snop, was attacked by an unknown man in his store late on Tuesday night, who, Roseland says, after shooting him in the forehead robbed him of a purse containing \$459 in greenbacks.

Roseland is fifty years old and wealthy. He is treasurer of Moltke Lodge, No. 641, Knights of Honor, and every week he attends the meetings, which are held at No. 7 Willoughby street. Before

which are held at No. 7 Willoughby street. Before leaving the lodge room on Tuesday night he was given \$140 of the lodge's money, which he placed in a long pocketbook with money of his own.

Louis Herold, a lodge member, and also a butcher, left the meeting room with Roseland. They walked together down Willoughby street, and at the corner of Hudson avenue Herold hade Roseland good night. Boseland continued on to his own store, about fifty yards distant.

There was a dim light burning in the store, and after letting himself in by the store door he put his head inside the ice box to see if the dog he kept in the store was there.

story of the assault. He said be heard no one fol-lowing him, and believed his assailant walked be-hind him into the store after he had unlocked the door.

door.

The police searched the store and the icebox for the bullet that hit Reseland, but failed to find it. Then they began to look upon the shooting with suspicion. No one has been arrested.

Roseland was still suffering from shock when I called at his house yesterday. A relative said the doctor has given crders that no one should be allowed to see him, as the excitement attending his adventure had completely unnerved him. At the butcher shop the helper told me that Roseland had been sick for some time and was very ill on Tuesday. He never carried a revolver and generally when he returned from the lodge he had much money with him.

LOOKS LIKE AN ELOPEMENT. MRS. HANCOCK HAS LOST HER HUSBAND AND MR. FRANKLIN HAS LOST HIS WIFE,

Samuel Hancock, of the real estate firm of Hanock & Graham, of No. 2,158 Fulton street, and Mrs. Maggie Franklin, of No. 2,077 Fulton street, both prominent in what is known as the Ocean Hill district of Brooklyn, simultaneously disappeared within the past few days, and naturally there is a good deal of gossip. Their neighbors say they Hancock is the son of a well to do machinist

and lives with his wife, to whom he was married eleven years ago, and two children, nine and ten years old, at No. 1,905 Broadway. Hancock was married in this city and went to Frocklyn ten rears ago. He has prospered in the real estate onsiness and has managed some large transactions, he took Charles Graham into the business about dx months ago. His home life is said by his neighborrs to have been of the happiest sort, and Mrs. hinnook says he has been a kind and devoted hashand.

theatre. She was ready, but Samuel did not appear.

BOTH ARE OFF, NOW.

Mr. Charles Graham was in the real estate office at the time, awaiting his partner's return. He has not yet appeared. Hancock left a small satched in a salcon at the corner of Bockaway and Fulton avenues on Saturday morning, and called for it later in the day. He is said to have assisted in carrying down a trunk from Mrs. Franklin's apartments. She, it is said, kissed her children goodby and disappeared.

Partner Graham, who had recently returned from a business trip, was not aware of what his partner had been doing. He is said to have put \$500 into Hancock's hands for an interest in the business, and this money is gone, but Graham holds a bill of sale that will save him from loss.

I saw hirs. Hancock at her home yesterday. She is very much affected by her husband's disappearance and believes that he must have been domented when he left home. She is very earnest in her assertions as to her busband's unfailing kindness to herseif and the children.

Mrs. Maggie Franklin is said to have figured in three previous clopements. Her husband is a glass dealer on Atlantic avenue. Her last appearance in public occurred a short time age, when she caused the arrest of Manager Covert, of Bennett's Casino, on a charge of having pawned jewelry which she loaned him.

She trequented the races, consorted with sporting men and was always fashionably dressed and seemed to be well supplied with money.

VETERANS IN A SNARL.

COLONEL BUILER EXPELLED FROM THE LINCOLN ASSOCIATION AND A ROW ON HAND. Colonel William H. Butler, who was the prime mover in the organization of four hundred or five hundred members of the Lincoln War Veterans' Association of Kings county, has been reduced to

the ranks and expelled. The Colonel says he has not been officially notified, but he is heartily sick of it and of the party.

MR. SHAW OUT OF JAIL, HIS NIECS RELEVES AND HE STEPPED INTO

FREE AIR AGAIN YESTERDAY. Sheldon B. Shaw, the New York club man and broker, who was arrested in Brooklyn on New Year's Eve on an action brought against him by his niece for an accounting of her alleged estate, was

niece for an accounting of her alleged estate, was yestorday released from Raymond Street Jail, where he had since been confined, the action having been withdrawn.

Miss Lucie Tuffs, the plaintiff in the suit, resides in New York with Mrs. Shaw, from whom the defendant has been separated since March last, A small estate was in his trust, the income from which she claimed he had not paid her promptly. It appeared from later developments that the proceedings were begun (as the defendant claims) through Mrs. Shaw's jealousy of a Brooklyn woman, at whose house Shaw had been recently boarding. It is now stated that an amicable agreement has been arrived at and after a confinement of six days Mr. Shaw has been allowed his liberty.

MADE SICK BY CHRISTMAS CANDY. Two young men submitted to Chemist Kent, of the Brooklyn Health Board, yesterday, samples of candy distributed at the Christmas festival of the Throop Avenue Presbyterian Church, Brooklyn.

The festival was held on the Monday night following Christmas Day, whon each child and many of the older persons received a box of the caudy of the older persons received a box of the sandy and attorange.

According to the parents, when they assembled Sunday and compared notes, they found that many of the little ones had shown signs of poisoning, and it was decided to have an inquiry made by the health officers.

Pastor Louis R. Foote and Dr. Stuart Clare, acting superintendent, claim to be sengant of any new tensions.

ing superintendent, claim to be ignorant of any un-pleasant effects from eating the candy except in cases of overindulgence. Dr. Kent's analysis is awaited with interest.

ALL AROUND BROOKLYN. At the annual meeting of the Union Elevated Railroad omnany yesterday the old board of officers and direc-ors were re-elected. The democratic Supervisors of Kings county have de-ded in cancua to re-elect Richard L. Baisley, of Plat-ness, as president pro tem. The annual meeting will be rid te-day.

The locked out employes of E. M. Bliss & Co., the die makers, have decided to treat no further. A sottlement is, however, expected to day. An English syndicate con-trols the business.

William H. Lieck, of New York, charged with the theft of 55,000 from the Twenty-sixth Ward Bank, waived examination yestorday ills alleged accomplice. John Comiskey, will be heard January 13.

head inside the ice box to see if the dog he kept in the store was there.

As he did so he saw a shadow and looked back into the store. A tall man with a slouch hat that almost concealed his eyes stood before him and demanded his money. The butcher tried to make his way to the meat counter, when the man seized him by the neck and tried to choke him.

Roseland grappled with him and was seemingly getting the best of the robber when the latter drew a revolver and hit the butcher over the head. Roseland tried to get hold of a cleaver that lay on the counter, but his assallant threw him down and them shot him. The builtet inflicted a lacerated wound on his forehead. Roseland was exhausted and could feel that his pockets were scarched, after which the man ran out of the store.

The butcher crawled out upon the sidewalk where he lost consciousness, and he was found there by a clizen infleen a dinute later. The citizen helped him to the residence of Dr. Van Zili, on Willoughby street, where his wounds were dressed.

The police were notified of the robbery and after Roseland was removed to his home he told the

## DON'T BE A BAD BOY IF YOU WANT A JACKET

"Josh" Won the Ticket in a Little Gambling Game, but "Joh" Got the Coat

DISTRIBUTION NO. 5 YESTERDAY.

A Thousand Boys Are Now Warm in Herald Coats, and Others Will Be Made Happy To-Day.

There were three hundred freekled faced boys about "de place where de peajackets are given out" yesterday morning long before the milkman had awakened the denizens of Thirteenth street, Miss Blumberg was on hand scrutinizing the HERALD's candidates for comfort with as screne a look as she could conjure up in her benevolent blue eyes. Solomon himself never had more knotty questions to unravel than those that were presented to her yesterday by the New York newsboys, who for ways that are deep and wiles that are bewitching are distinctly peculiar-espe

cially when after peajackets. There were any number of boys on hand who "didn't see why they shouldn't have pesjackets, too," and then again there were evidences that some big boys had been "winning" tickets from little boys by the same code which obtains in the hiplomatic world. "Josh"-simply Josh, and



SOME OF THE BOYS.

reprobate who turned up during the day. He was clad in a pair of seersucker trousers and a linen duster which had been curtailed. cheerful as Xmas, and managed to improve his position "on line" in a way that was surprising to the less wideawake boys. "Josh" was a hustler, bu

When he reached the throne where Miss Blum-

berg was dealing out the peajackets he wrote his name, "J-o-s-b," in a big, round hand in the book,

berg was dealing out the penjackets he wrote his name, "Jo-s-b," in a big, round hand in the book, whistling with nonchalance the while that Hartem gles entitled "O'Grady's Goat." But the check in the book called for the name of "Joh" and, of course, there was a row.

"Gimme de penjacket anyhow," said "Josh."
"Wot's in er name?"

But as to how he had gotten hold of "Joh's" ticket "Josh" refused any information. Shou "Josh" began to threaten:—"They would be durned sorry, if they refused him a coat. His father was er policeman and in politics. He'd always howled for de Heralth and he wanted a penjacket, he did." By and bye "Joh" came along and gave "Josh" a withering lock. He said "Josh" had assaulted him at "de cluo" and taken his ticket away. "Josh" retired with a look of injured innocence on his freckled face. He had no statement to make. He was going down town to see the editor of the Heralth "hisself;" he had won the ticket fair and square pitching pennies, and he knew "the editor of the Heralth didn't wanta squealer to be a-wearing a penjacket,"

"Josh" stood at the door as all the good boys came out, proud as peacocks in their new penjackets, and tried to dampen their feelings by such jealous persidage as:—

"Think yer a dude, don't you? But yer ain't, thim short coats is called in." But finally "Josh" went away, discomfited, with his little red paws tucked away down in the pockets of his seersucker suit.

To THE EDITOR OF THE HERALD:— I am got my posjack and I am much obliged to Kriss Kringly. I'm got my dinner to, and I'll thank you and Kriss

Kringly.
Now, Mr. Kriss Kringly, Pill thank you very, very much for the peajacket and dinner. JOSEPH P. PREDVIL. 16 Spaing, New York, Jan. 6, 1881. The makers will distribute two hundred more jackets to-day and if "Josh" comes around to make trouble he will be "run in." At least the big policeman on the block says so.

MAMIE TANNER'S ELOPEMENT. [BY TELEGRAPH TO THE HERALD.] NEWBURG, N. Y., Jan. 7, 1891.—The facts have just ome out in regard to an elopement that took place last Sunday at Wassaic, a little village on the Harlem, a short distance from the Dutchess county line. The principals were Miss Mamie Tanner, the pretty seventeen-year-old daughter of Dr. William

pretty seventeen-year-old daughter of Dr. William H. Tanner, of Wassaic, and Mr. Louis M. Allerton, a young man of the same place.

The marriage of Miss Mamie and Louis was opposed by Dr. Tauner and Mrs. Tanner, who wanted them to wait for two or three years. They considered Miss Mamie too young to marry new. Allerton and Miss Mamie went on Sunday last estensibly for a sleigh ride to Bangail, Dutchess county. At the latter place they drove to the parsonage of the Baptist Church and were married. About two hours later they dreve up to the Tauner residence, where the bride exhlained to har father and mother that they had been married. Forgiveness came promptly, and now happiness reigns in the Tanner family, and friends of the bride and groom are congratulating them.

MR. SWARTZ STEPS DOWN AND OUT.

ASBURY PARK, N. J., Jan. 7, 1891.—Assistant Prosecutor of the Pleas John W. Swartz, of the Mon mouth county courts, tendered his resignation to

Judge Conover, who accepted it. Mr. Swartz was assistant to General Charles Haight, who recently went South for his health. Haight, who recently went South for his health. Swartz expected to be appointed Prosecutor during the General's absence. His disappointment at not being chosen led him to publish a letter, in which he charged that the Prosecutor was too lenient with the indicted Monmouth Park bookmakers. Mr. Haight's friends deny the allegations, and the General will return in a few weeks and meet the

Assemblyman Charles H. Ivins, of Red Bank, has been reappointed Prosecutor for the present term of court. MR, TAYLEURE WANTS FAIR PLAY.

TO THE EDITOR OF THE HERALD :-I learn from the few lines in this morning's HERALD that I was convicted at Frechold, N. J., yesterday of libelling ex-Prosecutor John E. Lan-ning of Monmouth county, in the Long Branch

News.

The trial as well as its result surprises me. The surprise is coupled with regrets that a case, involving, as some readers may be led to infer, the good name of the complainant, should without my knowledge have been called at the very opening of the term, in my temporary absence for a few days.

Ingo the term few days.

I don't know that my evidence would have changed the result, but I do know that no genuine attempt at the vindication of character can be unjustly affected by giving the defendant a chance to be heard.

NEW YORE, Jan. 7, 1891.